

**Introduced by Senator Perata**

February 23, 2007

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An act to amend Section 20395 of the Public Contract Code, relating to public contracts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 937, as introduced, Perata. County highways: construction.

Existing law requires counties, with the approval of the board of supervisors, to comply with certain procedures when soliciting and evaluating bids and awarding contracts for the construction, repair, or maintenance of a county highway, as specified.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 20395 of the Public Contract Code is  
2     amended to read:  
3     20395. In any county that has appointed a road commissioner  
4     pursuant to Section 2006 of the Streets and Highways Code, or in  
5     any county that has abolished the office of road commissioner and  
6     complied with Section 2006.1 of the Streets and Highways Code,  
7     the board may authorize the road commissioner, or a registered  
8     civil engineer under the direction of the county director of  
9     transportation, to have any work upon county highways done under  
10    his or her supervision and direction. The work may be done in any  
11    of the following ways:

1 (a) By letting a contract covering both work and material. In  
2 that event, the contract shall be let to the lowest responsible bidder  
3 as provided in this article.

4 (b) By purchasing the material and letting a contract for the  
5 performance of the work. In that event, the material shall be bought  
6 at the lowest possible cost and the contract let to the lowest  
7 responsible bidder as provided in this article.

8 (c) By purchasing the material and having the work done by  
9 day labor, in which case advertising for bids is not required.

10 (d) (1) By authorizing the county road commissioner or a  
11 registered civil engineer under the direction of the county director  
12 of transportation to execute changes for any contract pursuant to  
13 this section in an amount not to exceed five thousand dollars  
14 (\$5,000) for contracts of fifty thousand dollars (\$50,000) or less,  
15 or 10 percent for contracts over fifty thousand dollars (\$50,000)  
16 but not to exceed two hundred fifty thousand dollars (\$250,000).  
17 In no event shall any change exceed a net total addition of  
18 twenty-five thousand dollars (\$25,000).

19 (2) For contracts whose original cost exceeds two hundred fifty  
20 thousand dollars (\$250,000), the extra cost for any change or  
21 addition to the work so ordered shall not exceed twenty-five  
22 thousand dollars (\$25,000), plus 5 percent of the amount of the  
23 original contract costs in excess of two hundred fifty thousand  
24 dollars (\$250,000). In no event shall any change or alteration  
25 exceed one hundred fifty thousand dollars (\$150,000).

26 (e) By purchasing the material and letting a contract for the  
27 work, or by letting a contract covering both work and material  
28 without advertising for bids, when the estimated cost of emergency  
29 work necessitated by the imminence or occurrence of a landslide,  
30 flood, storm damage, or other emergency exceeds twenty-five  
31 thousand dollars (\$25,000) and the public interest and necessity  
32 demand immediate action to safeguard life, health, or property.